ORDINANCE NO. 10

Series, 1963

AN ORDINANCE VACATING THE PLAT OF SOMMER'S SECOND ACRE TRACT ADDITION TO ELGIN, UNION COUNTY, OREGON, AS RECORDED IN BOOK 1 OF PLATS AT PAGE 80, RECORDS OF UNION COUNTY, OREGON, SAVE AND EXCEPT THEREFROM AND EXCLUDING FROM SUCH VACATION, THE VACATING OF ANY PORTION OF 21ST AVENUE (ORIGINALLY PLATTED AS SPRUCE STREET) SITUATE ON THE EAST SIDE OF SAID ADDITION, AND FURTHER EXCLUDING FROM SUCH VACATION LOT 1 OF BLOCK 1 OF SAID ADDITION, AND FURTHER EXCLUDING FROM SUCH VACATION THE UNVACATED PORTION OF THE UN-NAMED STREET LYING NORTH OF SAID LOT 1.

WHEREAS, on August 6, 1963, the Council did duly pass and adopt Resolution No. 4, Series, 1963, which said resolution did initiate proceedings to vacate that portion of the plat hereinafter described, and did thereby declare its intention to make such vacation without petition or consent of property owners, unless good cause to the contrary was shown, and

WHEREAS, the Council has heretofore caused an examination to be made of the real property contained within the following described plat, to-wit:

> Lots numbered 2, 3 and 4 of Block numbered 1, and all of Blocks numbered 2, 3, 4, 5, 6, 7, 8 and 9 of SOMMER'S SECOND ACRE TRACT ADDITION to Elgin, Union County, Oregon, according to the Plat thereof recorded December 19, 1914, in Book 1 of Plats at Page 80, records of Union County, Oregon, TOGETHER WITH vacated 22nd and 23rd avenues, and vacated Alder and Birch streets of the City of Elgin, lying within said SOMMER'S SECOND ACRE TRACT ADDITION, and the vacated un-named street lying North of Blocks 3, 2 and the West one-half of Block 1, of said ADDITION (extending from the West line of the Northeast quarter of Southeast quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 16 in an easterly direction to a point which is 235 feet West of the East line of said Section 16); EXCEPT the East 20 feet of the North half of that portion of said un-named street as so described.

AND, WHEREAS, said Council has found that the vacation of that portion of the plat hereinabove described will not in way adversely affect the market value of adjoining, adjacent and closely situated properties, nor will cause any damage to inure thereto, but will in fact enhance the value thereof, and as further found that the interest of the public will not be prejudiced by such vacation, and

WHEREAS, notice of such vacation was duly published in the Elgin Recorder, a newspaper of general circulation, printed and published in Elgin, Oregon, for four consecutive and successive weeks, beginning with the issue of said newspaper dated August 8, 1963, continuing with issues dated August 15th, 22nd and 29th, 1963, due proof of such publication in affidavit form having been heretofore filed with the City Recorder, and

WHEREAS, notice of such vacation was duly posted August 9, 1963, in two conspicuous public places in the City of Elgin, as follows:

One (1) At the Southeast corner of Block 7 of SOMMER'S SECOND ACRE TRACT ADDITION to Elgin, Union County, Oregon,

One (1) At the Northeast corner of Block 1 of SOMMER'S SECOND ACRE TRACT ADDITION to Elgin, Union County, Oregon.

Due proof of such posting having heretofore been filed in affidavit form with the City Recorder, and

At the time and place fixed for the hearing on said vacation, to-wit: at the hour of 8 o'clock p.m. on Tuesday, the 10th day of September, 1963, in the City Council room at the City Hall of Elgin, Oregon, said hearing on said vacation was held; that no objections or remonstrances to such plat vacation were made in writing and filed with the City Recorder of said city prior to the time of such hearing, or at all; that no objections or remonstrances have been made to such vacation; and

WHEREAS, the City Recorder has made and executed a certificate showing that all city liens and all taxes have been paid on the lands covered by that portion of the plat to be vacated as hereinabove described, and

WHEREAS, the Sheriff of Union County, Oregon, has made and executed a certificate showing that all taxes have been paid on the lands covered by that portion of the plat to be vacated as hereinabove described,

NOW, THEREFORE, THE CITY OF ELGIN ORDAINS AS FOLLOWS:

Section 1: That portion of SOMMER'S SECOND ACRE TRACT ADDITION to Elgin, Union County, Oregon, described as follows, to-wit:

> Lots numbered 2, 3 and 4 of Block numbered 1, and all of Blocks numbered 2, 3, 4, 5, 6, 7, 8 and 9 of SOMMER'S SECOND ACRE TRACT ADDITION to Elgin, Union County, Oregon, according to the Plat thereof recorded December 19, 1914, in Book 1 of Plats at Page 80, records of Union County, Oregon, TOGETHER WITH vacated 22nd and 23rd avenues, and vacated Alder and Birch streets of the City of Elgin, lying within said SOMMER'S SECOND ACRE TRACT ADDITION, and the vacated un-named street lying North of Blocks 3, 2 and the West one-half of Block 1, of said ADDITION (extending from the West line of the Northeast quarter of Southeast quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 16 in an easterly direction to a point which is 235 feet West of the East line of said Section 16); EXCEPT the East 20 feet of the North half of that portion of said un-named street as so described.

Be and the same is hereby vacated.

Section 2: It appearing that the hereinabove described vacation is in the best interests of the public and in the best interests of the City of Elgin, that this Ordinance take effect immediately, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the Council and its approval by the Mayor.

PASSED this 10th day of September, 1963.

APPROVED this 10th day of September, 1963.

Lloyd C. Spicer
Mayor

Attested to and filed this
10th day of September, 1963.

Ethel Hunt
City Recorder